



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20350

SECNAVINST 11013.13E
OP-44
14 October 1983

SECNAV INSTRUCTION 11013.13E

From: Secretary of the Navy

Subj: Unspecified Minor Construction, Emergency Construction, and Restoration or Replacement of Facilities Damaged or Destroyed programs

Ref: (a) Title 10, United States Code 2805
(b) Public Law 97-114, Section 732
(c) Title 10, United States Code 2803
(d) Title 10, United States Code 2854

Encl: (1) DoD Directive 4270.24 of March 21, 1983

1. Purpose. To direct the implementation of policies concerning the management of the programs for minor construction, emergency construction, and replacement of facilities damaged or destroyed, as outlined in enclosure (1).

2. Cancellation. SECNAVINST 11013.13D and report control symbols DD-M(AR) 1452 and DD-M(A) 431.

3. Applicability. This instruction applies to all Navy and Marine Corps shore facilities. Implementation will be in accordance with paragraph 6.

4. Definitions. The terms in enclosure (1) apply.

5. Responsibilities

a. Minor Construction. The Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC) will be responsible for establishing and promulgating policies and principles governing the processing, approval, and reporting of projects for minor construction, as authorized by reference (a), subject to the limitations of reference (b) and future similar acts. In addition, the following policies and procedures shall apply:

(R)

(1) In accordance with paragraph E1h of enclosure (1), the Assistant Secretary of the Navy (Shipbuilding and Logistics) (ASN (S&L)) is the approving official for minor construction projects costing over \$500,000 but not exceeding \$1,000,000.

(R)

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(2) In accordance with paragraph Eld of enclosure (1) the CNO and the CMC are the approving authorities for minor construction projects costing more than \$200,000 but not more than \$500,000. This authority may be delegated to appropriate members of the staffs of the CNO and CMC, but may not be delegated to subordinate echelons of command. Authority to approve minor construction projects costing \$200,000 or less may be delegated to subordinate command echelons. (R)

b. Emergency Construction. The CNO and the CMC will be responsible for establishing and promulgating policies and principles governing the processing, approval, and reporting of projects for the emergency construction of facilities authorized by reference (c) in accordance with the following guidance: (R)

(1) Projects costing \$1,000,000 or less shall be processed as minor construction whenever possible. The authority in reference (a) to use appropriations available for operations and maintenance shall be used for projects with individual funded costs not exceeding \$200,000. Projects costing more than \$200,000, but not exceeding \$1,000,000 shall be processed as Unspecified Minor Construction. If Minor MILCON funds or authorization totals are exhausted, such projects in the \$200,001 - \$1,000,000 range may be processed under reference (c) instead. (R)

(2) Projects processed under the authority of reference (c) shall be addressed to the ASN (S&L). Routing, in addition to the normal chain of command reviews, shall include the following: (R)

(a) The applicable Engineering Field Division of the Naval Facilities Engineering Command for technical review of the proposed construction solution and the cost estimate.

(b) Naval Facilities Engineering Command Headquarters for final technical and cost review, and for comment on the availability or nonavailability of savings in the MCON account for possible reprogramming.

Where savings are not available, the CNO or CMC, as appropriate, will designate a project to be removed from an authorized and funded MCON program to cover the cost of the proposed project. (R)

(c) The CNO for Appropriations Sponsor reviews.

(d) The Comptroller of the Navy for review of the probable viability of a formal reprogramming action to the Congress to fund the project.

(3) The CNO or CMC endorsement on projects proposed under reference (c) shall forward a smooth proposed Memorandum to the ASN(S&L) submitting the project for approval. (R)

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c. Restoration or Replacement of Facilities Damaged or Destroyed

The CNO and the CMC will be responsible for establishing and promulgating policies and principles governing the processing, approval, and reporting of projects for the restoration or replacement of facilities damaged or destroyed authorized by reference (d). Additional guidance is the same as for Emergency Construction, paragraph 5b. (R)

6. Action. The CNO and the CMC shall issue the necessary directives within their assigned areas to implement this instruction.



James F. Goodrich
Under Secretary of the Navy

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March 21, 1983
NUMBER 4270.24

Department of Defense Directive

ASD(MRA&L)

SUBJECT: Unspecified Minor Construction, Emergency Construction, and Restoration or Replacement of Damaged or Destroyed Facilities

- References:**
- (a) DoD Directive 4270.24, "Minor Construction and Restoration or Replacement of Facilities Damaged or Destroyed," October 16, 1978 (hereby canceled)
 - (b) Public Law 97-214, "Military Construction Codification Act," July 12, 1982
 - (c) Title 10, United States Code, Section 2805
 - (d) Public Law 97-114, "Department of Defense Appropriation Act, 1982," Section 732
 - (e) through (n), see enclosure 1

A. REISSUANCE AND PURPOSE

This Directive:

1. Reissues reference (a) to reflect the changes made by reference (b), which became effective on October 1, 1982.
2. Prescribes policy and procedures for the programing, approval, and reporting of DoD projects for:
 - a. Unspecified minor construction as authorized by reference (c), subject to the limitations of reference (d) and Pub. L. 97-323 (reference (e)), and similar future statutes.
 - b. Emergency construction as authorized by 10 U.S.C. 2803 (reference (f)).
 - c. Restoration or replacement of damaged or destroyed facilities as authorized by 10 U.S.C. 2854 (reference (g)).
3. Cancels Report Control Symbols DD-M(AR)1452 and DD-M(A)431 and DoD Instruction 5100.37 (reference (h)).

B. APPLICABILITY AND SCOPE

1. This Directive applies to the Office of the Secretary of Defense, the Military Departments, and the Defense Agencies (hereafter referred to collectively as "DoD Components").
2. Its provisions do not apply to National Guard and reserve components of the Military Departments.

Enclosure (1)

C. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

D. POLICY

It is DoD policy that DoD Components plan and program construction requirements in the regular annual military construction program. This regular process ensures that proposed construction projects represent validated needs determinations at the least cost. Extraordinary, urgent construction projects that should not be delayed for inclusion in the next regular annual military construction program may be accomplished using unspecified minor construction, emergency construction, or restoration or replacement of damaged facilities authorities provided in Chapter 169 of Title 10, United States Code (references (c), (f), and (g)).

E. PROCEDURES

1. Unspecified Minor Construction Program

a. Unspecified minor construction programs proposed for accomplishment under 10 U.S.C. 2805 (reference (c)) shall be submitted for DoD and congressional review in accordance with DoD 7110.1-M (reference (i)).

b. Unspecified minor construction projects estimated to cost no more than \$1,000,000 shall be accomplished under the authority of reference (c).

c. The total construction costs for all unspecified minor construction projects (except those projects funded from appropriations available for maintenance and operations) may not exceed either (1) the total amount authorized to be appropriated for unspecified minor construction projects for each Military Department or for the Defense Agencies in the annual Military Construction Authorization Act or (2) the amount specifically identified for such purposes in connection with the annual Military Construction Appropriation Acts, if less than amounts authorized. However, the funded amount specifically provided for unspecified minor construction may be increased to the authorized amount if requirements develop that are of sufficient urgency to justify reprogramming of resources, but shall be subject to prior approval by the Committees on Appropriations under established formal reprogramming procedures.

d. Only funds made available under military construction appropriations shall be used to accomplish unspecified minor construction projects over \$200,000; however, when the construction cost of an unspecified minor construction project is \$200,000 or less, the project may be financed either from appropriations available for maintenance and operation of military installations or from the applicable military construction appropriations, unless precluded by the annual DoD Appropriation Act or other legislation.

e. When construction and maintenance or repair are accomplished simultaneously as an integrated undertaking, the construction shall be treated as a separate project. For this purpose, engineering estimates may be used to allocate the costs. If all of the work is so integrated as to preclude practical separation of construction from maintenance or repair costs, the entire project shall be accomplished as construction. The level of project approval shall be in accordance with DoD Directive 4165.2 (reference (j)) for maintenance and repair.

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f. Appropriated funds may not be mixed with either private or non-appropriated funds for the same single minor construction undertaking since this practice may be considered an incrementation and subdivision to circumvent statutory limitations. Exceptions to this policy shall be approved in advance by the Secretary of the Military Department or Director of the Defense Agency concerned, or designee. However, private or nonappropriated funds may be used for the purchase and installation of equipment, furnishings, and interior finishings peculiar to the private or nonappropriated fund activity to be accommodated in the proposed facility. Review and reporting of nonappropriated construction projects shall be in accordance with DoD Instruction 7700.18 (reference (k)).

g. The Directors of the Defense Agencies shall carry out the construction of unspecified minor projects by or through a Military Department or such other department or government agency designated by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L)), or designee.

h. No unspecified minor construction project, the cost of which exceeds \$500,000, shall be initiated unless approved in advance by the Secretary of the Military Department or Director of the Defense Agency concerned, or designee.

i. No funds for an unspecified minor construction project, the cost of which exceeds \$500,000, may be obligated until the appropriate congressional committees have been notified in writing and 21 calendar days have elapsed. In addition, the appropriate congressional committees shall be notified when appropriated minor construction funds will be used for the transfer or relocation of any activity from one military installation to another. Notifications shall be made on a monthly basis by the Secretary of the Military Department or Director of the Defense Agency concerned, or designee, using the format shown at enclosure 3. Out-of-cycle notifications may be processed when project justification is sufficiently urgent to warrant immediate congressional consideration. Copies of each notification shall be provided to the ASD(MRA&L) and the Assistant Secretary of Defense (Comptroller) (ASD(C)), or their designees.

j. Notwithstanding, and in addition to any other provisions for approval of unspecified minor construction projects, any project proposed to be accomplished under the unspecified minor construction authority, which previously has been denied by Congress, shall be approved only by the Secretary of the Military Department or Director of the Defense Agency concerned.

k. Unspecified minor construction projects required in connection with base closures and realignments shall comply with 10 U.S.C. 2687 (reference (l)).

1. Changes in scope or cost of unspecified minor construction projects may be approved by the DoD Components, provided that the new total project cost does not exceed approval levels described above for the project. The cost of a project may be increased above \$1,000,000 if the Secretary of the Military Department or Director of the Defense Agency concerned determines that such an increase is required for the sole purpose of meeting unusual variations in cost and that such variations in cost could not have been reasonably anticipated at the time the project originally was approved. However, if, based upon bids received, the current estimated cost of such a project is more than \$1,000,000 and is more than 125 percent of the original approved amount, the project may not be placed under contract until:

(1) The increase in cost is approved by the Secretary of the Military Department or Director of the Defense Agency concerned.

(2) A written notification of the facts relating to the increased cost (including a statement of the reasons therefor) is submitted by the Secretary of the Military Department or Director of the Defense Agency concerned to the appropriate congressional committees.

(3) Either 21 days have elapsed from the date of the submission of the notification, or each of the appropriate congressional committees has indicated approval of the proposed increased cost. If, during such 21-day period, any congressional committee has indicated its intent to hold a hearing on the proposed increased cost, the Secretary of the Military Department or Director of the Defense Agency concerned may not proceed with the project until the hearing has been completed.

m. Cost variation authority may not be used to increase the scope of an unspecified minor construction project.

n. An unspecified minor military construction project may (1) precede a military construction project for a new mission requirement when such unspecified minor construction would provide a complete and usable facility to meet a specific need during a specific period of time and (2) follow a military construction project when new mission requirements develop after the military construction project has been completed. In both cases, the Secretary of the Military Department or Director of the Defense Agency concerned shall notify the appropriate congressional committees of those undertakings that exceed \$200,000. The following construction activities should not be accomplished as unspecified minor military construction projects:

(1) Splitting a project into increments solely to reduce the costs thereof below an approval threshold or ceiling amount for unspecified minor construction projects.

(2) Undertaking incrementation that results in higher costs of construction because of a sacrifice of economy of scale.

(3) Concurrent work on an active military construction project to reduce the cost of the military construction project below cost variation notification levels.

o. Construction of new family housing units may not be accomplished by an unspecified minor construction project.

2. Emergency Construction

a. Under 10 U.S.C. 2803 (reference (f)), the Secretary of the Military Department or Director of the Defense Agency concerned may carry out a military construction project not otherwise authorized by law if the Secretary or Director concerned determines that the project is vital to the national security and that the requirement for the project is so urgent that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with national security.

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b. When a decision is made to carry out an emergency military construction project, the Secretary of the Military Department or Director of the Defense Agency concerned shall notify in writing the appropriate congressional committees. Each such notification shall include the justification for the project and its current estimated cost, the justification for carrying out the project under 10 U.S.C. 2803 (reference (f)), and a statement of the source of funds to be used to carry out the project. The project then may be carried out only after the 21-day period beginning on the date the notification is received by such committees or sooner if each committee has approved the project before the end of that period. In addition, each use of this authority is subject to prior approval reprogramming of funds by the Committees on Appropriations before incurring obligations. All such requests for reprogramming shall be submitted to the ASD(C) for transmission to the Committees on Appropriations following established reprogramming procedures. The statutory notifications and reprogramming requests shall be processed concurrently.

(1) The maximum amount that the Secretary concerned may obligate in any fiscal year is \$30,000,000.

(2) A project funded under reference (f) shall be carried out within the total amount of funds appropriated for military construction.

3. Restoration or Replacement of Damaged or Destroyed Facilities

a. Under 10 U.S.C. 2854 (reference (g)), the Secretary of the Military Department or Director of the Defense Agency concerned may repair, restore, or replace a facility under his jurisdiction, including a family housing facility, that has been damaged or destroyed. To ensure timely restoration of mission effectiveness and to preclude further deterioration of damaged facilities, operations and maintenance appropriations may be used to temporarily repair or restore damaged facilities. The replacement facility shall conform to current design and material criteria and shall be sized to meet current mission and functional requirements.

b. When a decision is made to carry out construction under reference (g) and the cost of the repair, restoration, or replacement is greater than \$1,000,000, the Secretary of the Military Department or Director of the Defense Agency concerned shall notify the appropriate congressional committees in writing accordingly and shall include the justification for the project, the current estimate of the cost of the project, the source of funds for the project, and the justification for carrying out the project under reference (g). The project then may be carried out only after 21 days following the date the notification is received by such committees or sooner if each committee has approved the project before the end of that period. In addition, each use of this authority is subject to prior approval reprogramming of funds by the Committees on Appropriations before incurring obligations. All such requests for reprogramming shall be submitted to the ASD(C) for transmission to the Committees on Appropriations following established reprogramming procedures. The statutory notifications and reprogramming requests shall be processed concurrently.

c. Restoration or replacement of damaged or destroyed facilities as authorized by 10 U.S.C. 2854 (reference (g)) may be accomplished as unspecified minor construction projects, for other than new family housing units, when the funded cost does not exceed \$1,000,000.


4. Auditing. The DoD internal audit organizations shall conduct audits of unspecified minor construction, emergency construction, and restoration or replacement of damaged or destroyed facility projects in accordance with DoD Instruction 7600.3 (reference (m)).

F. RESPONSIBILITIES

Heads of DoD Components shall comply with this Directive.

G. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days.


PAUL THAYER
Deputy Secretary of Defense

Enclosures - 3

1. References
2. Definitions
3. Notification Format

REFERENCES (continued)

- (e) Public Law 97-323, "Military Construction Appropriation Act," 1983, Section 109, October 15, 1982
- (f) Title 10, United States Code, Section 2803
- (g) Title 10, United States Code, Section 2854
- (h) DoD Instruction 5100.37, "Delegation of Authority (Military Departments and Defense Agencies) to Approve Family Housing Projects Performed Pursuant to 10 U.S.C. 2674 (Minor Construction)," April 7, 1971 (hereby canceled)
- (i) DoD 7110.1-M, "Department of Defense Budget Guidance Manual," July 8, 1982, authorized by DoD Instruction 7110.1, "DoD Budget Guidance," October 30, 1980
- (j) DoD Directive 4165.2, "DoD Real Property Maintenance Activities Program," February 21, 1976
- (k) DoD Instruction 7700.18, "Nonappropriated and Privately Funded Construction Projects - Review and Reporting Procedures," March 30, 1982
- (l) Title 10, United States Code, Section 2687, as amended
- (m) DoD Instruction 7600.3, "Internal Audit in the Department of Defense," January 4, 1974
- (n) DoD Directive 7150.4, "Defense Family Housing Program," July 21, 1978

DEFINITIONS

1. Appropriate Congressional Committees. The Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.
2. Facility. A building, structure, or other improvement to real property.
3. Family Housing Facilities. The physical properties described in DoD Directive 7150.4 (reference (n)) as included in the Defense Family Housing Program.
4. Military Construction. Any construction, alteration, development, conversion, or extension of any kind carried out with respect to a military installation.
5. Military Construction Project. All military construction work, or any authorized contribution, necessary to produce a complete and usable facility or a complete and usable improvement to an existing facility (or to produce such portion of a complete and usable facility or improvement as is specifically authorized by law).
6. Military Installation. A base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a Military Department or, in the case of an activity in a foreign country, under the operational control of the Secretary of a Military Department or the Secretary of Defense.
7. Secretary Concerned. The Secretary of a Military Department and the Secretary of Defense with respect to matters concerning the Defense Agencies.
8. Single Undertaking. All construction necessary to produce a complete and usable facility or a complete and usable improvement to an existing facility.
9. Unspecified Minor Construction Project. A military construction project that is for a single undertaking at a military installation and that has an approved cost equal to or less than \$1,000,000.

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NOTIFICATION FORMAT

Notification
of the
Intention to Proceed with Unspecified Minor Construction Projects

The (Military Department or Defense Agency) proposes to authorize the obligation of funds for the following unspecified minor construction project or projects:

Inside the United States

<u>State and Installation</u>	<u>(\$000)</u>	<u>Requirement and Description</u>
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Outside the United States

<u>Location and Installation</u>	<u>(\$000)</u>	<u>Requirement and Description</u>
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